

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

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|---|---|----------------------------------|
| Stephanie R Moody, |) | C/A: 6:10-2588-RBH-KFM |
| |) | |
| Plaintiff, |) | |
| |) | Report and Recommendation |
| vs. |) | |
| |) | |
| Commissioner of Social Security Administration, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This is an appeal from a denial of social security benefits filed by a *pro se* plaintiff. The undersigned entered an Order dated November 18, 2010, instructing Plaintiff to provide certain documents and information to aid the Magistrate Judge in the evaluation of this case. Specifically, Plaintiff was asked to answer Special interrogatories designed to determine whether her administrative remedies were exhausted. Plaintiff was warned that failure to provide the necessary information within the timetable set forth in the Order would subject the case to dismissal. The time to bring this case into proper form now has lapsed. Plaintiff has failed to comply with an order of this Court, and has failed to prosecute this case.

Recommendation

Accordingly, it is recommended that the Court ***dismiss the complaint in this case without prejudice*** and without issuance and service of process pursuant to Rule 41 of the Federal Rules of Civil Procedure. See *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962). **Plaintiff's attention is directed to the important notice on the next page.**

February 15, 2011
Greenville, South Carolina

s/Kevin F. McDonald
United States Magistrate Judge

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
300 East Washington Street, Room 239
Greenville, South Carolina 29601

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).